

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KEITH A. WEST,

Plaintiff,

v.

C/O GOLDBERG, *et al.*,

Defendants.

Case No. 12-cv-976-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Keith A. West's motion for an extension of time (Doc. 42) to object to the Report and Recommendation ("Report") (Doc. 36) of Magistrate Judge Philip M. Frazier recommending that the Court dismiss West's claim against defendant Nurse Melvin without prejudice for lack of service of process pursuant to Federal Rule of Civil Procedure 4(m). His deadline to object was June 28, 2013, and when the Court had not received any objection by July 9, 2013, it adopted the Report and dismissed all claims in this case against Nurse Melvin without prejudice. West's motion, dated June 28, 2013, states he was only recently released from segregation and gained full access to his case file.

The Court allowed West sufficient time to object in a timely manner. It extended his deadline once – to June 28, 2013. West knew he was in segregation before that date and did not need access to his file to ask in a timely manner for an extension of that deadline, yet he failed to ask for an extension until the due date. Furthermore, West will suffer no prejudice from a refusal to extend the deadline to object. The Court notes that it dismissed Nurse Melvin without prejudice, so if West ever obtains a good service address, he may seek leave to add as a defendant in this case within the parameters of Federal Rule of Civil Procedure 15(a). He does not need a larger objection period to do this.

For these reasons, the Court **DENIES** West's motion for an extension of time (Doc. 42).

IT IS SO ORDERED.
DATED: July 22, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE